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## CONVICT LABOR

Summary for two-year period:

Inmates	
Received .....	292
Pardoned .....	25
Paroled .....	33
Deaths .....	2
Discharged .....	180
Escaped .....	10
Recaptured .....	6

Failure of paroles and suspended sentences, about 4 per cent of all cases so treated.

About one-third of inmates received name no relative or friend for notification in case of death.

The crimes for which sentence is being served are various and difficult to classify. Assault and burglary, in various forms, predominate. Sex crimes, like rape, incest and adultery, are surprisingly numerous, constituting 16 per cent. "Bootlegging" accounts for 15 per cent.

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**Good Roads and Convict Labor.**—The January number of the Proceedings of the Academy of Political Science is devoted to a discussion of this subject. It is of interest to two classes of students, because it is approached from two standpoints—from that of the prison reformer and from that of the people who are endeavoring to secure better roads.

The order of the terms used in the title of the pamphlet indicates that the promotion of the Good Roads movement is the first object sought. But the expense involved in dealing with him. To call this "a form of slavery" is to "foreword" of Mr. Charles Henry Davis, president of the National Highways Commission, is devoted largely to a denunciation of the existing prison system, couched in terms which make no discrimination between the prisons and prison methods of different states and different localities, conveying the idea that the country has one system, and that it deserves an unqualified condemnation, which he deals out in superlatives.

He declares that "Our modern prisons are barbaric. They typify the medieval prisons, so loathsome to our imagination, and yet we call them modern. They are not. They still hold men in abject slavery, in idleness worse than death. Without sun. Sometimes without light. With foul air and fouler companions. . . . We have abolished negro slavery, a paradise compared to that of criminal slavery. We maintain institutions little better than the torture chambers of ancient times," and much more to the same effect.

Apparently he has never heard of reformatories like Elmira and Great Meadow, New York, Huntingdon, Pa., Rahway, N. J., Concord, Mass., Mansfield, O., St. Cloud, Minn., and many other engaged in definitely reformatory work; of the new Minnesota State prison; of the United States penitentiary at Leavenworth and many others possessing the physical qualifications whose absence he laments or of the large number of other penitentiaries which are run upon the reformatory plan, with the purpose of reforming those who pass through

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them. There are prisons which are unfit for human habitation; there are prisons which make no attempt to improve their inmates physically, morally or mentally. But they are in the minority, and when a man characterizes them all by terms which can properly be applied to comparatively few, those who are interested in prison matters will be inclined to question his authority to teach about his other subject—Good Roads.

This doubt is emphasized when we read his appeal for good roads based upon their relation to illiteracy. Briefly, this is his argument: "In the United States there are 18,000,000 children who endeavor to attend school. There are during much of the school term a considerable part of the 2,000,000 miles of our over 30,000,000 who should attend school. Why don't they? Largely because roads is impassible."

Then he presents a table showing that illiteracy among native whites of native parentage is far more prevalent in rural sections, where roads are poor, than in urban sections, where roads are good. Mr. Davis does not make a direct connection between illiteracy and crime, as he might, but it is to be inferred from the drift of his general argument that he believes that good roads would, by reducing illiteracy, reduce crime. This may be true, and probably is, but one can hardly refrain from calling attention to the fact that the percentage of crime to population is far greater in urban communities which have good roads and a literate population than in rural communities which have poor roads and a more illiterate population.

This fact is not an argument against good roads or in favor of illiteracy. It is stated in order that we may not confound coincidences with sequences; that we may not forget that there are many factors in the problems of both illiteracy and crime, and that we may not except to find in good roads a panacea for all civic ills.

The principal paper is by Sidney Wilmot, B. S. in C. E., who has the right to speak on good roads, and upon the use of the labor of prisoners for their construction. But in his discussion of the prison question he frequently takes positions which those who are in prison work will not accept. His preliminary assertion that under the present system "convicts are the property of the state, to be used as in its wisdom and sovereign authority sees fit," is not recognized as a statement of the underlying principles of penology, and the employment of prisoners, even under the discredited contract system is not, as he calls it, "legalized slavery." In another place Mr. Wilmot says: "Convicts and roads, both being state property, the maximum of efficiency is possible only through joint operation." Such assertions tend to confuse the general reader. There was a time when men convicted of crime were sold into slavery, but it is not true today. The offender is taken into and kept in custody because he is believed to be unfit to be at large. He is made to labor, partly because it is for his interest, and partly that he may be compelled to reimburse the state for a part of the expense involved in dealing with him. To call this a "form of slavery" is to misuse language.

In the discussion of the use of prisoners in road-building, Mr. Wilmot falls into another error. Speaking of the commutation of sentences of those who work on roads, he says that it should not be so large "as to free the prisoner before he has had a chance to pay his debt to the State." This conception of the relation of the prisoner and the state, as that of debtor and creditor, has

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wrought incalculable mischief. The man who has served his sentence considers that he has "squared the account." He does not recognize any demand for a change of character, but merely endures what is inflicted until the sentence is finished. It is a pity that this unsound conception of penal sentences should find a place in such a paper as this, and that one of the leading features of the system of employing prisoners on road work should, to some extent, be based upon the "debt" theory of punishment.

It is plain that the reduction of the term of imprisonment for those who work on roads is vital to the system. It is one of the rewards for doing this particular kind of work. It appeals to his love of liberty. Laws authorizing the commutation of sentences for good behavior have long been in use as a means of securing discipline. They serve a good purpose in that they develop self-control, and substitute it for officer-control.

But that is all it does. It fails to accomplish the great result which should be the main purpose of imprisonment—the change of the character of the prisoner, so that he may be fit to become a free citizen. The worst man at heart in the prison may secure a large reduction of his sentence by working on the roads. But is the fact that he has so worked a reason for releasing upon the community an unreformed criminal?

Of course, it may be said that he will be so released at the end of his sentence. True, and it is an argument against allowing a court to fix in advance the date of the prisoner's return to free life.

These criticisms are not directed at the main purpose and argument of Mr. Davis and Mr. Wilmot, which is to promote the larger use of prisoners in the building of good roads. The force of their arguments for this would possibly have been greater if they had not misconceived the underlying penological principles of the present day, and if they had recognized the great progress which has been made in securing their more general adoption.

The pamphlet contains more information in regard to the use of prisoners in road-building than is easily obtainable elsewhere, and is a very valuable contribution to a subject which is certain to demand constantly increasing attention. This attention is due, not only from those who have the administration of prisoners, and are under obligation to avail themselves of every opportunity for a better use of prisoners, but also from the public. The necessity for an enlightened public opinion in support of the use of prisoners in road-building is very urgent. Its success, and its extension must depend largely upon the development of a public sentiment which shall support the authorities in their work.

Those who are not familiar with the progress made in recent years in this line will be surprised by the extent to which the experiment has been tried. The facts given by Mr. Wilmot are of great interest. Only a brief summary can be given:

In Washington, road-building by prisoners has been tried very thoroughly, and for several years. The work of preparing road material in the stone quarries, has been carried on on a large scale. The actual work on roads is specially noticeable, because in the earlier days it was conducted upon the old penal method, in which restraint was depended upon for preventing escapes. Armed guards were on duty night and day, and a prison stockade was provided for housing. With this provision it was possible to utilize men who could not be trusted under the honor system.

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The main inducement held out to the men seems to have been the hope of pardon. The pardoning power was exercised with great liberality in behalf of those who worked on the road. Not only in Washington, but everywhere, the fact that the work is more congenial to most of the men than is the work within the prison, is a strong incentive to good behavior and industry. They do not wish to be returned to confinement, and work well to avoid it. The Washington experiment was discontinued because of the failure of the legislature to appropriate money for road-building, but the quarries are still operated, the product being sold to private parties.

In Oregon, the work upon roads has been due largely to the action of Gov. West, whose views of the criminal are well known throughout the country, and whose forceful administrative qualities have been shown in the development of this work, almost without affirmative authority of law. Believing as he does in the manhood of men who have committed crime, he went beyond the limit usually thought to be safe in trusting them. It is claimed that the results have justified this course. There have been very few escapes, (fewer than from the closed prison), and fewer than when men were employed outside under armed guards.

California has done some road-making with prisoners, but not enough to make a test of the plan. The legislature does not seem willing to give the experiment a fair chance.

Nevada, where there would seem to be a good opportunity for carrying out the road-building system, has done very little. Wages are paid to those so employed.

In Arizona there has been a large use of prisoners in the construction of state highways and bridges. Very little reliance is placed upon armed guards to prevent escapes or for disciplinary purposes. Unusual privileges are given, and a genuine effort to promote the best interests of the prisoners is very apparent. A very exceptional reduction of the sentences of the men employed on the roads is made, and the hope of release probably accounts for the rareness of escapes and for the success of the undertaking. The financial results are reported to be excellent. The saving to the state is said to be large.

New Mexico has had a larger experience than any other state in using prisoners in road-building, having begun in 1903. The honor system is in use, and nearly all the men respond to the trust imposed in them. The state is entitled to the credit of working out this system somewhat more scientifically than other states. It has the indeterminate sentence law, and men are released on parole under supervision, instead of being turned loose upon the community.

Utah makes some use of prisoners in this work. Dependence for the prevention of escapes is upon armed guards, and as the number of prisoners is comparatively small and the number of guards is large, the cost is large, and the experiment is not successful financially.

The experience of Colorado is an encouraging one. It has used more men than most states, and long enough to test the system, having tried it since 1908, first with armed guards, and since 1909 under the honor system. Several hundred miles of road have been built, and the quality is said to be good. It has been of great advantage in improving the ways of access to some of the scenic wonders of the state. Men are employed in camps, some of which are 300 miles from

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the penitentiary. There are no stockades, and the largest liberty is allowed the men, with the best of results. Breaches of trust are exceptional.

Montana, also, having need of long stretches of new or improved roads, has been building with prisoners for more than three years. They are housed in tents, in camps of from 50 to 100, with only three unarmed guards—two for day and one for night. Men are trusted more than in most states, yet there are very few escapes. This is due in part to the largely increased commutation of sentence allowed to road-building prisoners. The work done is highly satisfactory, and the method has made it possible to build roads which would not have been constructed with free labor.

Kansas has done some work in a comparatively small way. Plans are under consideration for making it a part of a system under which men can earn the privilege of working on roads, towards the end of their sentences, by good conduct in the prison, and have a share of their earnings for themselves or their families.

Oklahoma has tried the experiment successfully without armed guards. The men lived in tents. The main purpose was to keep them busy, rather than to do scientific road-work.

Iowa has a well-considered statute, under which it is trying to solve the problem systematically. The men live in camps, and do the work under the supervision of the highway commission. It is found that they are reliable, and do not take advantage of the very large liberty which is given them. They are to be allowed a part of their earnings.

Michigan is trying the experiment of using county prisoners in road-building. In most other states only penitentiary prisoners are used. Kalamazoo County has done something with short-term men. It pays them a small sum for good work. One of the results has been a reduction in the number of prisoners, especially of vagrants. The same result was noticed in Onondaga County, N. Y. (It is assumed that this means a reduction of crime, especially of vagrancy. A careful study would probably show that the vagrants merely avoided Onondaga County, and went to others, where they were not required to work so hard. Indeed, the report itself shows that the population of the surrounding counties increased.) The use of county prisoners is beset with difficulties. The terms are short, and there is necessarily a constant shifting of men in the replacing of those whose terms expire. Onondaga County housed the men in portable buildings, used elsewhere to some extent.

Ohio has done something, not in a large way, but quite successfully. The men were employed within a few miles of the penitentiary, and were housed there, being carried back and forth by an auto truck.

New Jersey has a statute authorizing the employment of prisoners in road-building. When Mr. Wilmot's paper was prepared there had not been much use of it, but it is expected that more will be done. The payment of a part of the earnings to the prisoner is a part of the plan proposed.

Undoubtedly there have been other states and other counties not mentioned by Mr. Wilmot, which have used prisoners for this work, but the instances noted by him are sufficient to show that road-building by prisoners is no longer an experiment, and that there will be an increase is not to be doubted.

The last twenty pages of the pamphlet are given to a paper by Dr. E. Staggs Whitin on the prison industries of the State of Wisconsin. The problems of

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that state differ in many ways from those of other states, but their discussion by him brings out many things which are deserving of study elsewhere. Dr. Whitin has the advantage of a thorough knowledge of the prisons and prison systems of the country, and many of the principles he lays down for the solution of the Wisconsin problems are universally applicable. One may not agree with him in all his propositions to recognize that he writes intelligently and earnestly, and to the profit of those who read what he has to say.

A few things deserve careful study in the formulation of plans for future work. Perhaps the most noticeable feature of the new method is the place which commutation of sentence has in securing trustworthiness and good work from the prisoner. It is doubtful if success could have been secured without offering the prisoner a large reduction of his sentence. As a reward for good conduct and for industry, as a stimulus, it is very effective, but is it wise to single out for this favor the men employed in a single industry, while those who work in other occupations do not receive it? On the whole, is it wise to *buy* good conduct and industry at so large a price? The general admission that it is necessary, in order to get good work and to prevent escapes, detracts to some extent, though not materially, from the claims for the "honor system."

The allowance of wages to men employed in this work is also an important feature of the system. Though not yet generally used, there can be no doubt that it is almost essential to the best results. But, as in the matter of commutation of sentence, is it not unfair to allow these men to have a share of their wages, and deny it to those who work equally hard and faithfully, at other things, in the prison? The men who are employed in road-building prefer it, usually, to work inside the walls.

That imprisonment of an offender punishes the wrong person, in many cases, is now generally admitted. A man commits a crime and his wife and children take many of the consequences. Their needs do not depend upon the fact that he is or is not at work on the roads, and the relief of those needs should not depend upon that. The state, for its own purposes, has taken away the bread-winner of the family. If this causes distress, the state should relieve it. It is as much a part of the cost of crime as is the expense of supporting the prisoner, which the state pays whether he works or not. Provision should be made for the relief of distress among the families of all prisoners and the prisoner should be provided with means of re-instatement after his discharge. No partiality should be shown to the road-building prisoner.

It should be noticed that the use of prisoners in road-building is one of the results of the changed conception of the prisoner, and of his treatment. It has been discovered (the discovery is a comparatively recent one), that those who commit crime are men; that the appeal must be to the human side of their natures, rather than to the criminal side; that hope is a stronger motive than fear, and that it is better to direct their attention to the future than to dwell upon the past.

The new conception of the prisoner required a new type of warden. The reports in regard to road-building by prisoners shows that in some cases it has succeeded and in others it has failed. It will probably be found that in most cases the failures have been due to the administration. It frequently happens that the officer in control does not know how to get in touch with the men.

## CRIMINOLOGY

The trust system has two sides—not only must he trust the men, but they must trust him, and some officers cannot secure the confidence of their men.

The “honor” system, in some form, is necessary for the accomplishment of the only proper purpose of imprisonment—the reformation and re-adjustment of the offender. His reformation must be tested before he is discharged. If he cannot be trusted with a very large measure of liberty before he is discharged, certainly he is not fit for release. Outside work should be the last stage in imprisonment, the test of fitness for discharge; the preparation for that event. It will be more effective if done without reward.

Finally, if the principles which underlie the use of prisoners for this work are correct, as I believe they are, they should be applied to all prisoners, the application being such as circumstances and the needs of individual prisoners warrant.

It should follow that the public will come to a new view of the criminal, and finding that he is a man, and has proved in prison that he can be trusted, he should be allowed a chance to prove his manhood on the outside.

## MISCELLANEOUS.

**The “Gun Mob.”**—A “mob” is not as the name implies, a noisy, violent tempered gathering, but a gang of pickpockets well financed and equipped for the trials of the road. A mob consists of four or five people who travel together to steal. An inquiry into the formation of mobs, their habits, peculiarities, methods, etc., might prove interesting to the reader who loves to delve into the sociological labyrinths of that portion of the human family known as the “underworld.” In America mobs are formed in a variety of ways; as children they may be thrown together by accident; perhaps they are neighbors; they may get acquainted with each other in penal institutions, and be released at about the same time. The working and daily routine of the mob continues until broken up by imprisonment of one or more members, by sickness, or because the locality becomes too hot for them on account of the activity of the police. Betrayals of one another to the police are matters of common occurrence; take, for example, a man arrested charged with larceny from the person. The police have no way of finding out what thieves constitute the personnel of the mob, but they find out through other thieves (jealous, malicious, and anxious to secure favors for themselves from the police). Then after a conviction of the first man caught the police round up the “sucker” and complain of and convict each and every member of the mob. This is done by “snitching” (thieves’ informing on each other), and it is a common practice among pickpockets. In America a mob will seldom contain more than four or five members; in England from four to twenty. Pocket picking is at a standstill in the northern parts of the United States in the winter time because it is not easy to pick the pockets of people wearing overcoats. This fact accounts for the migrations of thieves southward in the winter time, and the southern climate, being milder, offers a better and more fertile field for depredations. In this respect the “gun” goes southward like the swallow, and the underworld family in its habits resembles those of the feathered tribe. Like the hare, whatever his itinerary, he returns to his home city unless he is prevented and detained by the police authorities. Holding out part of the “swag” is another reason for the splitting up of mobs. Intense rivalry exists between various mobs, and they